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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re ASHLEE J., a Person Coming Under
the Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

Patricia J.,

Defendant and Appellant.

B250150

(Los Angeles County
Super. Ct. No. CK98770;
Orange County Super. Ct.
No. DP023569)

APPEAL from an order of the Superior Court of Orange County, Deborah C. Servino, Judge; transferred to the Superior Court of Los Angeles County. Affirmed.

Daniel G. Rooney, under appointment by the Court of Appeal, for Defendant and Appellant.

John F. Krattli, County Counsel, James M. Owens, Assistant County Counsel, Peter Ferrera, Deputy County Counsel, for Plaintiff and Respondent.

Patricia J. (mother) appeals from the April 3, 2013 order of the Superior Court of Orange County, which declared minor Ashlee J. a dependant of the court, adopted a case plan, and transferred the case to Los Angeles County. Dependency jurisdiction has since been terminated. Nevertheless, mother challenges the jurisdictional portion of the order in an attempt to clear her record with child protective services. We find that substantial evidence supported jurisdiction under Welfare and Institutions Code section 300, subdivision (b)¹ and affirm the order.

FACTUAL AND PROCEDURAL SUMMARY

Ashlee (born in 1997) was taken into protective custody by the Orange County Social Services Agency (SSA) on March 1, 2013, after sheriff's deputies responded to a 911 call that Ashlee had assaulted her maternal great-grandfather. She pushed him down during an altercation when he tried to stop her from going out. He cut his arm in the fall, requiring stitches. The great-grandfather declined to press charges, but Ashlee was no longer welcome in the maternal relatives' home.

Mother, who was a long distance truck driver for United Parcel Service, could not pick up Ashlee immediately because of her job obligations. There was even a possibility mother might be out of town for a week. Mother's roommate watched Ashlee when mother worked nights or long hours. But Ashlee did not want to return to the motel in Commerce where mother lived because she considered living there no different than being homeless, and she complained there was no one to take care of her. Ashlee did not want to go to her father's home in Moreno Valley either. Her father was not involved in her life except that she visited him occasionally. Ashlee had been arrested on two burglary charges during one of those visits and had a pending criminal case.

When SSA took Ashlee into protective custody, she had not attended school in over a month, ever since she moved in with her maternal relatives. She went to live with her relatives after an argument with mother over not wanting to go to Las Vegas for a

¹ All statutory references are to the Welfare and Institutions Code.

weekend. Mother told her to “go have fun” with her own friends, which Ashlee interpreted to mean mother had “kicked her out.” Mother assumed Ashlee would go to the maternal relatives’ home but had to file a missing person report when she could not locate her. Mother later learned Ashlee had gone to a friend’s house before going to live with her relatives.

Mother believed Ashlee was “uncontrollable.” Ashlee in turn claimed mother was never home and was emotionally unavailable. Their relationship was strained. They argued often, and mother sometimes hit and choked Ashlee. Ashlee found mother “irritating” because she “says things rudely.” Mother did nothing about Ashlee’s daily marijuana use, and marijuana was easily accessible to Ashlee at the grandparents’ house because her uncle grew it and he and her grandmother smoked it.

SSA filed a section 300 petition, alleging that under subdivision (b) Ashlee was at risk of harm because of her parents’ failure or inability to supervise and protect her, and in light of her assault on the great-grandfather, her daily marijuana use, pending criminal case, truancy, mother’s unavailability and inadequate supervision, the criminal histories of Ashlee’s parents, and father’s history of substance abuse. On March 6, the juvenile court detained Ashlee and ordered supervised visitation for mother. On April 3, it sustained the petition, declared Ashlee a dependent child, ordered her returned to mother’s custody, and ordered SSA to provide family maintenance services. Mother and child were ordered to complete individual counseling and to participate in conjoint family counseling. Mother also was ordered to complete an age-appropriate parenting class. The case was transferred to Los Angeles County, where mother lived. Los Angeles County accepted the case on April 23.

Mother timely appealed.

DISCUSSION

The notice of appeal from the order of the Superior Court of Orange County was filed in the Superior Court of Los Angeles County, which already had accepted jurisdiction of the case. Generally in civil cases, including dependency cases, a notice of

appeal from an appealable order of a superior court must be filed in the superior court in which the order was made, and the appeal is deemed taken to the Court of Appeal for the district in which the superior court is located. (See Cal. Rules of Court, rules 8.100(a)(1) & (2); 8.405(a)(1) & (3).) Similarly, a notice of appeal from a transfer order must be filed in the transferring county. (*Id.*, rule 5.610(i).) Under these rules, it appears that a notice of appeal from the April 3 order, which included jurisdiction, disposition, and transfer provisions, should have been filed in the Orange County Superior Court that made the order. We nevertheless consider the misfiled appeal in light of the policy of expeditious resolution of dependency cases. (See *In re Lisa E.* (1986) 188 Cal.App.3d 399.) A transfer to Division Three of the Fourth District Court of Appeal would cause undue delay, considering that Los Angeles County's jurisdiction over the case is unopposed.

We granted respondent Los Angeles County Department of Children and Family Services' request for judicial notice of the October 1, 2013 order of the Los Angeles County Superior Court terminating dependency jurisdiction. Respondent asks that we dismiss the appeal as moot in light of that order. An order terminating juvenile court jurisdiction generally renders an appeal from a previous order in the dependency proceedings moot. (*In re C.C.* (2009) 172 Cal.App.4th 1481, 1488.) Mother argues that the appeal is not moot because it is foreseeable that Ashlee's behavioral problems may bring the family to the attention of the juvenile court again, and the jurisdictional findings in this case may prejudice mother in such future proceedings. We exercise our discretion to reach the merits of mother's appeal. (See *ibid.*; see also *In re Drake M.* (2012) 211 Cal.App.4th 754, 762–763.)

In reviewing a challenge to the sufficiency of the evidence supporting a jurisdictional finding, we determine if it is supported by substantial evidence, contradicted or uncontradicted, and draw all reasonable inferences from the evidence to support the finding and order of the dependency court. (*In re I.J.* (2013) 56 Cal.4th 766, 773.) Respondent concedes that the factual allegations regarding the parents' criminal histories, father's substance abuse, and the child's burglary charges do not support

jurisdiction, and we do not address them. The only question on appeal is whether mother failed or was unable to adequately supervise and protect Ashlee.

Mother relies on *In re Precious D.* (2010) 189 Cal.App.4th 1251, to argue that dependency jurisdiction may not be asserted “over an incorrigible child whose parent is neither unfit nor neglectful.” (*Id.* at p. 1261.) Respondent disagrees, arguing that section 300, subdivision (b) does not require parental fault or neglect. We need not resolve this issue because, here, there is evidence that mother was at fault. Mother chooses to focus on Ashlee’s many acts of defiance, truancy, aggression, and run-ins with law enforcement, describing her daughter as uncontrollable. She also focuses on her own admittedly unsuccessful attempts to correct Ashlee’s behavior, such as taking away privileges, attempting to send her to “boot camp,” consulting the school counselor, and involving law enforcement. But the record supports the conclusion that mother is largely unavailable to Ashlee not only because she is often on the road, but also because she is emotionally distant and incapable of appropriately relating to her teenage daughter.

Even though mother’s roommate watched Ashlee when mother was at work, Ashlee was under the impression that no one was available to take care of her, and that her parents neglected her. Mother was negligent in taking a trip to Las Vegas with her friends without arranging for her child’s proper supervision. She admittedly left Ashlee behind to “have fun” with her friends and assumed Ashlee would stay with her relatives. When her assumption proved incorrect, mother had to file a missing person report. Mother took no measures to control Ashlee’s marijuana use and admittedly allowed her to go to the house of relatives where drugs were easily accessible. Her failure to appropriately relate to Ashlee left the child with the impression that mother was rude to her and that she had “‘kicked’ her out.” While mother argues she frequently but unsuccessfully sought help, the record shows that both mother and daughter were willing to attend the conjoint counseling ordered by the court, suggesting that mother had not sought the right kind of help before. Dependency jurisdiction was justified under the circumstances.

DISPOSITION

The order is affirmed.

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EPSTEIN, P. J.

We concur:

WILLWHITE, J.

EDMON, J.*

*Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.